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Robert LeBrun # 05A3753
Southport Curr. Facility
P.O. Box 2000
Pine City, N.Y. 14871

February 28, 2008

Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl St. Room 660
New York, N.Y. 10007

07 005539

Permission to file an Amended Complaint) This is to correct the names of the defendants on my case (Index No. 07 cv 5539) which were currently named John Doe #3-8. In unison with the first two defendants E.S.U. Captain Cariello #536 and E.S.U. officer O'Connell, # 13433 From the newly turned in documents, I have determined that the other John Does #3-8 are as follows: C.O. Marrero #13928, Mitchell #158-49, James #10111, Parra #16126, Simmons #6776 and C.O. Evans #4204. In addition, I will like to also correct another mistake which is also written down as part of the defendants section. It is not "Dept. of Correctional Services" but actually the "New York City Board of Correction", a separate agency. Please correct this mistake and add the names & #'s of the defendants that were previously named John Doe # 3-8.

-2-

If I need to present any evidence that will determine that these defendants in case were actually involved I will gladly enclose a copy with their names and numbers as well. Please bare with me if I have failed to file any papers inaccurately, I am filing this as a pro se and I'm a novice in such a field. Once again, I apologize for any inconveniences I might have cause and I hope all will be corrected with no further complications.

Sincerely,
Robert P. Jelmon

<p>Request GRANTED. Plaintiff is authorized to file an amended complaint in the form of the letter above adding the names of John Doe defendants previously unknown. Plaintiff is directed to serve defendants named with process under the</p>	
<p>SO ORDERED: applicable rules.</p>	
3-4-08 DATE	 VICTOR MARRERO, U.S.D.J.



**CITY OF NEW YORK
DEPARTMENT OF CORRECTION
INVESTIGATIONS DIVISION
INVESTIGATION REPORT**



CASE # 0446/07

UOF CASE #: 0446/2007

INVESTIGATOR: [REDACTED] Reyes, # 102

FACILITY: OBCC/CPSU

TYPE OF FORCE: "B" Use of Force

DATE OF INCIDENT: April 1, 2007

TIME OF INCIDENT: Approximately 1116 hours

LOCATION OF INCIDENT: 2 SouthWest, Cell # 27

IDENTIFIED INMATE(S) INVOLVED:

NAME	B&C#	NYSID #	CELL
Robert Lebron	875-07-00673	7683501J	2 SouthWest, 27 Cell

IDENTIFIED STAFF INVOLVED:

NAME	RANK	SHIELD#	DATE REPORT FILED
1. [REDACTED] Marrero	CO	13928	04/01/07
2. [REDACTED] James	CO	10111	04/01/07
3. [REDACTED] Mitchell	CO	15847	04/01/07
4. [REDACTED] Parra	CO	16126	04/01/07
5. [REDACTED] Simmons	CO	6776	04/01/07
6. Michael O'Connell	CO	13433	04/01/07

IDENTIFIED STAFF WITNESSES:

NAME	RANK	SHIELD#	DATE REPORT FILED
1. Jerry Cariello	Captain	536	04/01/07
7. [REDACTED] Caines	CO	2635	04/01/07
2. [REDACTED] Evans	CO	4204	04/01/07

IDENTIFIED INMATE WITNESS: None

SUMMARY OF INCIDENT FROM STAFF REPORTS:

On April 1, 2007, at approximately 1116 hours, in the OBCC/CPSU housing area of 2 SouthWest, Cell # 27, during an ESU special search, Inmate Robert Lebron, B&C # 875-07-00673, NYSID # 7683501J, refused to comply with search procedures. As per MD Khan, Inmate Lebron had no A&B contraindicators. Mental Health was not available. An ESU extraction team was assembled consisting of Officers O'Connell, # 13433 (polycarbon shield), James, # 10111 (Legs), Marrero, # 13928 (arms & chemical agents), Simmons, # 6776 (arms), Parra, # 16126 (mechanical restraints), Mitchell, # 15847 (leg irons), Caine, # 2635 (video recorder) and Officer Evans, # 4204 (Recorder), under the supervision of Captain Jerry Cariello, # 536. The team approached cell # 27 and Captain Cariello gave Inmate Lebron several orders to comply with search procedures. Captain Cariello informed Inmate Lebron that if he did not comply with the search procedures and exit his cell, that chemical agents would be used. Inmate Lebron continued to refuse to comply with all orders. Captain Cariello ordered the cell door to be slightly opened and for Officer Marrero to disperse a one-one second burst of 587 dust into the cell. Inmate Lebron continued to refuse to exit his cell and comply with search procedures. Captain Cariello then ordered Officer Marrero to disperse a second one-one second burst of 587 dust. It still did not achieve the desired affect. Captain Cariello then ordered a third one-one second burst of 587. Inmate Lebron still refused to comply. Captain Cariello ordered cell # 27 to be completely opened. Officer O'Connell struck Inmate Lebron with the polycarbon shield and pushed him back towards the rear of the cell. The other team members then grabbed the Inmate and applied their assigned control holds. Restraints were then applied and Inmate Lebron was then lifted up onto his feet and escorted out of the area and was then turned over to the facility escort to be taken to the CPSU Intake for the decontamination process and to wait for medical attention.